



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

December 29, 2016

**C9-16-13 Trinity Presbyterian Church PAD – University Boulevard
and 4th Avenue Area Development (PAD)
CR-3/R-3 to PAD(H) Zoning**

BACKGROUND

This is a request by Randi Dorman, R + R Develop, on behalf of the property owner, Trinity Presbyterian Church, to rezone approximately 2.79 acres from C-3 and R-3 to Planned Area Development (Historic), PAD (H), zoning.

The rezoning site is located at the southeast corner of University Boulevard and 4th Avenue within the West University National Register Historic District and the West University Historic Preservation Zone. The modern streetcar route runs along both University Boulevard and 4th Avenue with a stop located east of the site along University Boulevard, and another to the south along 4th Avenue.

The preliminary development plan proposes a mixed use comprised of commercial/retail, office, and residential. It includes two new buildings viz., Building 1 - four stories/61,847 SF and Building 2 - three stories/20,924 SF. The proposal is to integrate the two new buildings into the existing historic Trinity Presbyterian Church complex.

This rezoning is a companion application to the case *C9-16-12 West University HPZ Boundary Amendment – University Boulevard*, which is a proposed amendment to the Historic Preservation Zone boundary to allow a building height for new construction proposed by the PAD(H) greater than the development zone's tallest contributing structure.

Land use policy direction for this area is provided by *Plan Tucson, University Area Plan* and the *West University Neighborhood Plan*.

PUBLIC HEARING SUMMARY (Minutes Attached)

December 1, 2016 Zoning Examiner Hearing -

At the December 1, 2016 Zoning Examiner hearing it was reported that there were 16 approval letters and 12 protest letters. The west quadrant had 21% of property owners protesting and the east quadrant 22.6% protesting thus at this hearing if forwarded directly to Mayor and Council would have required a supermajority vote for approval.

Note that this rezoning and the case *C9-16-12, Boundary Amendment* rezoning involve the same property and the same future proposed land use thus some information below is the same for both cases.

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It was made clear during the hearing on case *C9-16-12* that both the 61.6-foot church bell tower and 51.6-foot Donald Hitch Memorial structure were legal nonconforming structures.

While not the same speakers spoke in the separate hearings for both cases, the key points are mostly the same in that there was praise for the project as thoughtful design, and providing a safer cleaner improved development to the area, and further being a model of good sustainable development. There were comments that the architect, Rob Paulus is an excellent designer who can be relied on to do high quality work.

Speakers in opposition expressed concern about the increase in height from the historically conforming 36 feet to about 50 feet. There was concern about noise and further 'entertainment district' development encroaching into the nearby residential area. Additionally, concern was raised about traffic and about encroachment into the historic district's boundary that may set a disturbing precedent.

The applicant made a presentation that explained the value of the project and its overall sensitive treatment of the church building as a valued historic landmark. Further, she explained how the mix of uses being considered will be compatible with both the residential surroundings and the modern streetcar. This proposal, she said, was a model of good transit-oriented development.

Staff provided additional information about the proposal's relation to the Infill Incentive District (IID). The project is within the Historic Fourth Avenue Subarea of the Downtown Links Subdistrict. It does not qualify to use the IID provisions because the HPZ standards take precedent over IID flexible standards. The IID Design Review Committee was not mentioned as a reviewer of any future PAD development.

The Zoning Examiner continued this case and the Boundary Amendment case and requested the applicant meet with both Planning and Development Services staff and representatives of the West University Neighborhood Association (WUNA).

It was requested that both sides review the special conditions submitted by WUNA to find any consensus points and asked staff to review them for enforceability.

The Zoning Examiner asked the applicant to review the viability of the proposed group dwelling use on the site, and review the design review concept that is most applicable since its in the Infill Incentive District, a special infill design area of the City.

More information on streetscape design was requested, since it may influence future Fourth Avenue streetscape design in the future.

Finally, the Zoning Examiner asked staff to review how the historic landmark process in the PAD would work.

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December 15, 2016 Zoning Examiner Hearing –

It was reported that there were 17 approval letters and 12 protest letters. The west quadrant had 21% of property owners, and the east quadrant 22.6% protesting thus if this number remains, the Mayor and Council will require a supermajority vote for approval.

The staff and the applicant gave a briefing on the points requested at the December 1, 2016 hearing.

There was agreement on various communication improvements and non-zoning issues between developer and neighbors during future construction activity and conduct of future uses. Further, they discussed issues already covered by the PAD(H) document or existing City ordinances. Below are more specific items related to zoning, design, historic preservation, and traffic.

Uses – Group Dwellings is deleted and parking structure requires a special exception.

Height – There was no consensus reached on using a rezoning to reduce the HPZ boundary to make a height adjustment. There was some agreement that a ‘variance’ procedure for such height adjustments in the HPZ development zone would be preferable but on a very limited basis.

Traffic –The PAD(H) document states the developer will work with the Department of Transportation and WUNA on relieving congestion and cut-through traffic during the development review stage of the project. The applicant mentioned enhanced bike parking availability and working with future residents in the use of hourly car rental services to reduce parking and car use. Further, coordination with the neighborhood is possible during special activities like the Fourth Avenue Street Fair. It should also be noted that the proposal has a nearby City bike boulevard - 3rd Street, a streetcar, and a network of accessible and walkable sidewalks surrounding it.

Building Volume – The applicant proposes at least a 20% building volume reduction in comparison to existing zoning’s development potential on the site.

Design Review – The PAD(H) will require the new buildings to be reviewed not only by the WUNA’s historic advisory board, the Historic Commission’s Plans Review Subcommittee following HPZ review process but also the IID’s Design Review Committee will finalize PAD(H) design guidelines and review new construction and streetscape proposals.

Streetscape –The PAD(H) document sets out pedestrian-oriented standards. The sidewalk and landscaping guidelines are outlined in greater detail. In the case that the City does not have an adopted streetscape policy for this area, the applicant stated the developer would work with City staff in developing an interim policy as has been done in other infill areas.

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Historic Landmark Designation- An optional historic landmark designation process has consulted with the City Attorney's office and the HL designation process within the PAD(H) document is an acceptable alternative to an HL rezoning.

Supporters and opponents expressed similar positions as those at the December 1, 2016 public hearing. Supporters spoke about the quality of design and the need of the church to find a suitable development to ensure its survival. The opponents spoke about potential noise, parking, traffic, and general disruption of the residential area. Speakers taking a neutral position, noted concerns about the implementation of the development possibly causing parking and access issues.

FINDINGS OF FACT

Existing and Surrounding Land Uses -

The proposed rezoning site is a church complex that includes sanctuary, offices, meeting hall, surface parking lots, and two historic residences. The property is within the West University Historic Preservation Zone. It is generally surrounded by various commercial and residential development on all sides. The zoning profile includes to the north HC-3 and HR-3 zones, to the south HC-3 and HR-2 zones, to the east HC-1, HR-3 and HR-2 zones and to the west HC-3, HO-3, HR-3 and HR-2 zones.

Historic Preservation Zone (HPZ) -

As noted the proposal is within and surrounded by the West University Historic Preservation Zone.

The State Historic Preservation Office reviewed the proposal and has stated that the 1924 Spanish Colonial Revival building is listed as a contributor to the National Register West University Historic District. Further, it stated that none of the modern additions of 1937, 1948, 1955, and 1959 are within the district period of significance; and do not contribute to the characteristic features that qualify the church for listing as a contributing property in the district. As for the onsite historic duplex, the applicant proposes to re-locate it to an off-site West University location. The proposal is to both re-locate it and do it in a manner to maintain its contributing status as part of the historic district.

Building height is a key issue in the historic and development review of this proposal. The HPZ requires that the building height for new construction shall be no higher than the tallest contributing historic property located within its development zone and the proposed height shall generally conform to the historic height within the development zone. The tallest historic structure in the development zone in this case is the original 36-foot, Trinity Church sanctuary.

The current proposal is for 48-50 foot building height. The height of the on-site, non-historic structures is 61.6 feet for the church bell tower and 51.6 feet for the Donald Hitch Memorial structure.

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Because the Historic Preservation Zone (HPZ) does not allow for height variances, the applicant also proposed a rezoning (C-9-16-12) on the same site to remove it from the West University HPZ boundary. The desired zone for the subject property is PAD(H).

The proposal has been through several public processes at this point. Earlier in 2016 the case was reviewed with a favorable recommendation from the West University Historic Zone Advisory Board. On May 26, 2016, it was reviewed by the Tucson Pima County Historical Commission's Plans Review Subcommittee and approved to proceed with conditions. On June 21, 2016, the Mayor and Council initiated the PAD (H) rezoning process. On October 10, 2016, there was a neighborhood meeting with the West University Neighborhood Association.

Land Use Plans -

Land use policy direction for this area is provided by *Plan Tucson, University Area Plan* and *West University Neighborhood Plan*.

Plan Tucson – *Plan Tucson* identifies the rezoning site as being in an “Existing Neighborhoods” Building Block. This category is for land that is primarily developed, and land in largely built-out residential neighborhoods and commercial districts. Some new development and redevelopment is expected in the next decade.

The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encourage reinvestment and new services and amenities that contribute further to neighborhood stability.

Plan Tucson supports historic preservation/adaptation, economic development, infill development, new housing options, and the modern street car. It encourages special zoning districts, such as Planned Area Developments (PAD) and overlay districts, as ways to promote the reuse of historic structures, mixed-use areas, and multi-modal development.

University Area Plan (UAP) - The *UAP* promotes cooperation between neighborhoods, private developers, and the City of Tucson to ensure new development is sensitive to local neighborhood concerns while being supportive of adopted city-wide polices.

UAP supports the preservation and enhancement of historic districts and HPZ areas. It also supports pedestrian and shopping districts such as 4th Avenue with a well-defined public sidewalk system. Projects should be consolidated for better multi-modal integration of circulation and access by reducing curb cuts along streets and directing traffic away from residential neighborhoods.

High density development in an R-3 site should be predominantly surrounded by medium/high density or nonresidential with commercial zones and residential zones like R-2 and R-3.

New development should demonstrate sensitivity to surrounding uses and be compatible in the massing/scale of projects by using building materials, architectural style, ornamentation,

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setbacks, step backs, and variation in building height or mass to complement the scale and character of surrounding development and reduce the appearance of excessive height and bulk.

West University Neighborhood Plan (WUNP) - The *WUNP* recognizes the potential for land use changes associated with the modern street car along with the *WUNP* goal to preserve the historic, residential character of the established neighborhoods west of Euclid Avenue.

The Conceptual Land Use Map identifies the proposed site as “Maintain Existing Public and Semi-Public” and refers to Commercial and Office Development, Policy D for adaptive reuse policies. This land use designation has been used in the *WUNP* for adaptive reuses in the past.

Similar to the *UAP* the plan, the policies allow for adaptive reuse. In *WUNP* adaptive reuse case, the existing principal structure on the parcel will be retained. In this proposal the site’s principal use, the church is being retained. The proposed uses should not adversely impact surrounding land uses especially residential neighborhoods. Parking and circulation is proposed to be designed to prevent negative impacts spill-over parking into neighborhoods and pass through traffic within the residential streets.

The *WUNP* policy direction limits building heights west of Euclid to that allowed by zoning on August 1, 1988; and limits residential densities to no more than 40 units per acre. *WUNP* also encourages new residential developments to incorporate landscape areas as part of the overall development. The staff report mentions that past zoning on the site would have allowed greater heights. There are also on-site two legally non-conforming building heights, namely , the 61.6 foot- bell tower and 51.6 foot - Donald Hitch Memorial structure. Those two structures already had legal non-conforming building heights in 1988.

The public review for this case involves two separate rezonings, PAD(H) rezoning and *C9-16-12 West University HPZ Boundary Amendment – University Boulevard*. Thus, there has been ample discussion of the historic preservation as well as the infill issues.

Ultimately, the PAD(H) rezoning follows an infill and adaptive use strategy that substantially complies with all three affected land use plans. The principal issue is the review of an infill development whose design and function can support and not deter its historic surroundings. The proposal if designed with historic and design review oversight to the level described in the PAD(H) document, can preserve an historic building, and allow new development that can be compatible with the historic surroundings and support the area’s multi-modal circulation.

Major Streets and Routes Plan

University Boulevard is identified as a collector road and 4th Avenue is identified as a local street on the City’s Major Streets and Routes Map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 12,231 vehicle trips per day. There are no billboards on the rezoning site.

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CONCLUSION

This rezoning is a companion application to the case *C9-16-12 West University HPZ Boundary Amendment – University Boulevard*, which is an amendment to the HPZ boundary and intended to allow some building height flexibility for the project.

The preliminary development plan of this PAD(H) rezoning proposes a mixed use development comprised of commercial/retail, office, and residential. It includes two new buildings to be integrated with the existing, historic Trinity Presbyterian Church complex.

The various review bodies WUHZAB and the Historic Commission's Plans Review Subcommittee have supported the initiation of the project and the Mayor and Council initiated the proposal. The Mayor and Council clarified that this rezoning is not intended to set a precedent for future decreases of the historic boundaries going forward.

In reviewing the land use plans policy guides for this proposal, there is substantial support to do adaptive reuses and infill in this historic area when the use reduces negative impacts and is compatible with the surrounding neighborhood.

The key considerations of this rezoning, involve the following:

Infill Policy - The subject property is in a setting where the City has invested in building a new Fourth Ave underpass, initiated a modern streetcar route as well as a bike boulevard – 3rd Street, and adopted an Infill Incentive District. The design review required by the HPZ and the Infill Incentive District will be used to guide this project the same as any urban neighborhood project in this area.

Economic Development – There are economic development trends in the general area. Examples are introduction of market rate urban housing, continued growth of the University's student population, introduction of corporate headquarters, and a steady growth of dining, theater, and other entertainment venues. These changes present both positive and negative potential for surrounding neighborhoods. This project can be seen as part of these developing trends. During the hearings residents expressed both optimism and concerns.

Neighborhood Coordination- Streetcar corridor development like the Trinity project can be desirable and offer the City opportunities to create well-designed infill. Nevertheless, the City should continue to revisit and study the impacts of such development to ensure that the quality of life of the surrounding neighborhoods is always held in high regard. Neighborhood coordination as outlined in the PAD(H) document is an essential part of any design or development review process resulting from this rezoning. The document also establishes an on-gonig two-way communication on the implementation of future uses to address any needed mitigation.

Parking and Traffic – Currently, the residential parking permit program is an effective way to reduce intrusive neighborhood parking. Traffic calming devices have been introduced into

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the neighborhood streets and should continue to be used and required to discourage non-local traffic.

The introduction of a general parking structure on the subject property caused concern of drawing regional traffic into the neighborhood. The City should continue to study the planning for parking structures north of the railroad tracks separating the Downtown from Fourth Avenue but be careful with directing general traffic into neighborhoods. There was also some discussion at the hearing about reducing neighborhood traffic by working with the school district on routing school bus traffic away from busy internal neighborhood streets as practicable

HPZ Amendment – WUNA does not support the amendment of the HPZ boundary. However, WUNA, the Trinity applicant, and the Zoning Examiner agree the City should consider a zoning text amendment for building height in an HPZ through a limited variance process. This process could be a variance or a special exception that has conditions for minor and limited height adjustments in an HPZ development zone. The non-historic structure issues in this case as well as the form-based design approach of the Downtown Links Subdistrict of the IID offer some initial ideas for consideration.

The Trinity Boundary Amendment is a case where two non-qualifying but credible historic structures could have set the height for the new construction but because of a technical issue of not qualifying as being in the church’s “period of significance” forced an awkward rezoning of the HPZ boundary. While the proposed PAD would formerly be outside the HPZ boundary, the PAD(H) document does an acceptable job of creating historic preservation standards similar to those applied within an HPZ district.

Finally, the PAD(H) document has the capability of setting up a process and communication among the City, developer, and stakeholders to assure awareness and quality controls are monitored throughout the development and design review process.

RECOMMENDATION

The Zoning Examiner recommends approval of PAD(H) zoning subject to the standards, guidelines and conditions included in the PAD(H) document.

Respectfully Submitted,



Jim Mazzocco, AICP
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes

ZONING MEMBERS PRESENT

Jim Mazzocco, Zoning Examiner
John Beall, Planning & Development Services
Rick Guerra, City Recording Clerk

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1 ZONING EXAMINER: So, now I'm going to move on to the next
2 case which is C9-16-13 Trinity Presbyterian Church PAD-University
3 Boulevard. Mr. Beall can give a brief report.

4 MR. BEALL: Mr. Mazzocco, the Applicant has since made
5 revisions to the PAD document, which you have those on record and were
6 stated in the previous case. But as to date, the - 12/15/16 - there
7 are 17 approvals for the case, 11 protests. Seventeen approvals by
8 owner, 11 protests by owner. Seven protests within 150 feet, four
9 with - outside the 150 feet.

10 There are zero protests to the north, 12.3 protests to the
11 south, 26.6 protests to the east, and 21% to the west. And as stated,
12 that any of the four quadrants which has more than 20% is - requires a
13 super majority vote by Mayor and Council.

14 ZONING EXAMINER: Mr. Beall, before you stop, could you
15 just summarize for the record, because we are -

16 MR. BEALL: Yes.

17 ZONING EXAMINER: - dealing with a different transcript.
18 So, if you could at least hit the topic points that were discussed,
19 again. I know you did them for the Boundary Amendment, so, if you
20 could just hit the topic points without going into a lot more detail.

21 MR. BEALL: Sure. The, the Applicant looked, from the
22 previous hearing, looked at revising the PAD document, and looked at

1 if they've excluded the group dwelling as an excluded land use. The
2 Applicant also has revised the PAD document for more detail design
3 review process.

4 To go beyond the HPZ review process, the Applicant has
5 revised the PAD to include a design review process using the IID
6 Design Review Committee. And the PAD also included policies that
7 would include design guidelines to be reviewed and approved by the IID
8 Design Review Committee.

9 The PAD also has written in some criteria for the
10 architectural design for the, the building, as well as some
11 architectural design guidelines for the streetscape. And the PAD
12 document has been revised to reflect that.

13 And then the PAD document has also outlined a process
14 creating sort of an HL within the PAD document, an HL subarea for the
15 PAD for the Trinity Church site.

16 ZONING EXAMINER: Okay. Thank you. Ms. Dorman.

17 MS. DORMAN: Thank you. I'll just kind of summarize what
18 we said -

19 ZONING EXAMINER: Okay.

20 MS. DORMAN: - before, with one more addition. In our last
21 presentation, we did present several slides with many points about
22 things that we changed both in our design and added into the PAD based
23 on the WUNA feedback that we'd had to date.

1 We were happy to meet with WUNA again after the last
2 hearing, and make the changes that we spoke about before, specifically
3 the changing group dwelling to excluded use, reducing the building
4 volume further.

5 Additional design review and streetscape standards and
6 creating several policies within the PAD to address traffic
7 communication noise, property and parking management, as well as the
8 historic landmark, and the adding conceptual design into the PAD.

9 ZONING EXAMINER: Okay. Okay. I don't have any other
10 questions. There's one issue that I wanted to just suggest. This is
11 minor. With the streetscape design, in your documentation, you talk
12 about the, complying with the City's streetscape design policy. There
13 is a possibility they don't have one. And I would suggest that in
14 that case that you would participate in creating an interim policy.

15 MS. DORMAN: Absolutely.

16 ZONING EXAMINER: Okay. So, if that were part of a
17 condition, you don't have a problem with that?

18 MS. DORMAN: We have no problem with that.

19 ZONING EXAMINER: Okay. Okay. Unless you have anything
20 else to add, I'm going to go to the public.

21 MS. DORMAN: Thank you. I think I've said everything
22 several times.

1 ZONING EXAMINER: Yes, you have. Right. So, opening it
2 up, those who want to speak in support. Okay. First you, sir. And I
3 assume I swore you in, correct?

4 MR. LOVEJOY: Yes.

5 ZONING EXAMINER: Okay.

6 MR. LOVEJOY: Thank you. My name is Walter Lovejoy. I
7 live at 6120 East 5th Street, Unit A-107, Tucson, 85711. I am Chairman
8 of the Long Range Development Team, and a sitting elder at Trinity
9 Presbyterian Church.

10 Five years ago, we interviewed a number of developers who
11 responded to the request for proposal that Trinity sent out for the
12 development of land that the church no longer needed for its congre-
13 -- congregational uses. We decided that we would use the land to help
14 stabilize and assist the church financially.

15 Most of the developers interviewed wanted to put student,
16 or low-income housing on the land. Trinity wanted to do better for
17 the neighborhood. We selected R+R Development and Don Bourne to turn
18 our property into something that the church, neighborhood and City
19 would be proud of. We had many meetings with WUNA to show them our
20 plans, and as a result, many changes took place over the years until
21 we have the plan that is before you today.

22 In order to proceed with this plan, we need to seek changes
23 to the current zoning status. This is a great plan for the
24 neighborhood, and without the zoning changes, it cannot take place.

1 Without the changes, Trinity Presbyterian Church will be forced to
2 develop the property with a less desirable plan, a plan that is
3 allowed under the current zoning such as student housing or low-income
4 housing.

5 Trinity needs to develop the property in order to sustain
6 itself financially and continue with the many services that it offers
7 to the community. Some of these services include the Trinity food
8 pantry, its resource center that is affiliated with the Department of
9 Economic Security, Tucson Homeless Connect, fourth Friday on 4th Avenue
10 Community Supper, sandwiches for Casa Maria soup kitchen, breakfast
11 and supper for Primavera Foundation.

12 We also have a number of groups that use our facilities for
13 meetings such as Narcotics Anonymous, WUSAB, and even WUNA. This will
14 not be possible without long-term financial stability. This project
15 will give us the stability that we need. Thank you for your time.

16 ZONING EXAMINER: Okay. Thank you. Next speaker.

17 MR. MILLER: I'm Robert Miller, 421 South Essex Lane,
18 85711. If I understand your, your previous instructions, I can simply
19 refer to my previous testimony to include it in this part of the
20 (inaudible)

21 ZONING EXAMINER: Sure.

22 MR. MILLER: - correct? So, I'll only add by saying I've,
23 I've been involved in a lot of these hearings, and they're difficult.
24 The people that speak against the project are well-intentioned and

1 sincere and, and there's a lot at stake for them, and I appreciate
2 that.

3 On the other hand, the, the developer and designers hoping
4 to make this project have done everything that they know to do to make
5 it a good project, and I believe it is a good project. From, from my
6 perspective, not as a neighbor, but with respect for their feelings, I
7 can only offer my assessment that it is thoughtfully designed. It
8 will be an addition that will be helpful to the city and the
9 neighborhood. And, and I thank you for your consideration on, on both
10 sides.

11 ZONING EXAMINER: Okay. Thank you.

12 MR. MILLER: And I, I do feel your feelings for this and I,
13 I don't come out and only support other architects. It is a good
14 project.

15 ZONING EXAMINER: Okay. Thank you. Anybody else want to
16 speak in support? Okay. Anybody want to speak in opposition? Okay.
17 Come forward.

18 MR. LANGONE: And my name for the record is Kenny Langone,
19 owners of property with my wife at 722 and 730 North 3rd Avenue,
20 literally 50 feet from the property, as well as the owner for 29 years
21 of the property at 1003 North 5th Avenue.

22 Everything I said previously applies to this. What I keep
23 hearing over and over again is what's good for our neighborhood. I'm
24 pretty sure everybody here, whatever neighborhood they live in, feel

1 that their opinion would be higher in terms of basis of what's good
2 for them. I don't know that many people like being told what's good
3 for their neighborhood.

4 Neighborhoods are based on the word "neighbor". Living
5 there, residing there, our two-year-old daughter playing there,
6 playing piano at one in the morning. We've heard about the developer
7 being at this for five years. I have to say I'm shocked that they
8 only learned a year ago that the height restriction is 36 feet.

9 So, for whatever work they've done, they refer to how great
10 things will be, but we don't see any studies or evidence or anything
11 like that, or even the decency to tell us that, in fact, yes, your
12 neighborhood will be hell for the two years of demolition and
13 construction.

14 Yes, there will be more traffic, and I personally, if I
15 lived in that neighborhood, would find it unnerving with a
16 neighborhood that's already traffic noise challenged. So, I don't
17 feel that they've paid attention to our concerns. I feel they've
18 addressed some design issues which have no relevance to living aspects
19 of the neighborhood.

20 And as I put in that packet there, I resent the word
21 "urban" being used interchangeably with residential, as the City
22 itself recognizes us as a residential neighborhood, as stated again in
23 the plaque across the streetcar stop from Time Market. I appreciate

1 your time, and I can only say that I think neighborhoods are made up
2 of neighbors, and I'm a neighbor. Thank you.

3 ZONING EXAMINER: Mr. Langone, can I say a couple of
4 questions?

5 MR. LANGONE: Absolutely.

6 ZONING EXAMINER: So, you live next to the Trinity Church,
7 correct?

8 MR. LANGONE: We live - matter of fact, we bought the first
9 house from Mr. Brown's father in 2010, and the second one in 2013,
10 both of which took about three years total to renovate, and with money
11 of renovation and purchase over \$1.4 million.

12 ZONING EXAMINER: So, this is a church. And how's it been
13 living next to this church?

14 MR. LANGONE: The house is across the street on 3rd Avenue.
15 They're side-by-side. It's kind of a our little -

16 ZONING EXAMINER: Uh-huh.

17 MR. LANGONE: - compound. The one has a half lot. They
18 broke up many of these street alley lots back in the '40's and '50's.
19 The other one's a full-length lot. That's the house built by Henry
20 Jostadt, the architect (inaudible)

21 ZONING EXAMINER: Okay. But what I'm asking is, what's it
22 - what's been the impact of the church on your property up to now?

23 MR. LANGONE: Well, there hadn't much of an impact until
24 about a year ago when this process - I only became aware of this

1 literally on August 9th of 2016, which is in the packet I gave there.

2 So, when they talk about being included, how someone living 50 feet

3 away would have no inkling of this is shocking to me.

4 ZONING EXAMINER: So, so, the, the statements that there's

5 been ideas about some kind of change going on there for over five

6 years, you're not aware?

7 MR. LANGONE: I had no clue, or I probably would not have

8 done the level of restoration that we did, knowing fully well the

9 neighborhood was to change to this point. It would probably be a more

10 temporary stay than the level of detail, including having to go

11 through things like not just matching windows where we had to have

12 Anderson Windows make custom windows to match details on both homes,

13 but even things where I had to fight to use a chainlink fence as a

14 catclaw trellis as the best solution to alley graffiti and, and noise

15 and stuff like that to have privacy without having a big graffiti

16 mural.

17 And as I pointed out with the church, you can all decide if

18 it's coincidence, but it took code enforcement to have them remove

19 high-powered lights aimed at our house only after I was at the second

20 meeting in October. My lawyer's letter shows that.

21 ZONING EXAMINER: Uh-huh.

22 MR. LANGONE: They've continually been dishonest about

23 securing the, the residential access to their property on 3rd Avenue

24 and 4th Street. They've said over and over again, fire code precludes

1 it, yet I actually have contacts if you wish for me to provide them -
2 Fire Captain Mike Ward, Fire Inspector Mark Lewis, Fire Prevention who
3 comes and actually puts in these installations of chains with as I
4 said, PVC reflective pipe, and then uses a Knox lock.

5 So, it's an outrageous lie to say that their parking lot is
6 a party zone. As the letter says, there were 31 vehicles on that one
7 Saturday night at 1:30 in the morning. At 3:10, it was seven vehicles
8 clearly showing that people using the bars on 4th Avenue are parking
9 there.

10 And the Peter and Annie Wyman letter, who approve, it talks
11 about the debris of this criminal activity being thrown into their
12 yard. The church can, indeed, secure their parking lot. And, for
13 whatever reason, they're choosing not to, and it's a detriment to the
14 neighborhood, -

15 ZONING EXAMINER: Okay.

16 MR. LANGONE: - as well as criminal activity.

17 ZONING EXAMINER: So you - the statement from the church is
18 they are a shrinking population, congregation, and something has to
19 happen there.

20 MR. LANGONE: Oh. No, we all agree that they have rights.
21 I'm saying that this menacing thing of they could put in low-income
22 housing, they could do student housing, I understand there's truth to
23 that, but there's limitations that they don't seem to want to point

1 out, which is going through a process like we had to with our windows
2 and our catclaw trellis.

3 And I know right next to Peter and Annie's house, which is
4 as they said, on the same block, they wouldn't be able to dig a 20-
5 foot footing 20 feet from their house. So, there'll be engineering
6 issues that would come into play, as opposed to this general menace
7 that they would cover the whole lot.

8 In addition to covering the whole lot, they would have to
9 use surface parking throughout that lot, and that would only leave
10 them two, two actual stories of usage. So, it's a misnomer to say
11 that they could go, quote, unquote, "build it".

12 There's nothing you can just go and build. We live in the
13 City of Tucson. We're not Ruidoso, New Mexico, or Hatch, New Mexico,
14 or someplace without restriction in certain areas. I assume some of
15 them have some restrictions.

16 I've lived here 33 years. I've had to go through many
17 hoops, including this, to, to do, and get along and to protect the
18 life that we have. And like I said, neighborhoods are neighbors.

19 ZONING EXAMINER: So, if I could just ask John a question.
20 John, if there were no rezoning, and the church decided they needed to
21 develop their property, this property is in the Infill Incentive
22 District, is that correct?

23 MR. BEALL: Yes, that's correct.

1 ZONING EXAMINER: And it's in the downtown link sub-
2 district and I think the subarea is a historic 4th Avenue area, is that
3 correct?

4 MR. BEALL: That's correct.

5 ZONING EXAMINER: Okay. So, if they abide by, if, you
6 know, so, one option they could possibly have is if they abided by the
7 rules of the Infill Incentive District, which don't allow demolition,
8 and would be more toward some type of adaptive reuse of the entire
9 structure, they probably couldn't redevelop that site. And if the
10 church wanted to just abandon it and move on, that - that's a
11 possibility?

12 MR. BEALL: It could be a possibility, but I, I, I believe
13 that there's something in the IID that says that if we're here in that
14 area, that you can - you need to just follow what the regular
15 underlying zoning is and not the IID option.

16 ZONING EXAMINER: Okay. So, that property might be - not
17 have entire IID at its disposal?

18 MR. BEALL: Disposal. Correct.

19 ZONING EXAMINER: Okay.

20 MR. BEALL: It would have to follow the underlying -

21 ZONING EXAMINER: Okay.

22 MR. BEALL: - zoning.

23 ZONING EXAMINER: But, but it, it probably has some
24 potential for some development, understanding that what you're at

1 least aware of now, is the church wants to redevelop that site in some
2 fashion. So, you understand that point, right?

3 MR. LANGONE: Absolutely. And I'd like to say as well that
4 I met with Peter Wilkey (ph.) of Time Market who has a great market.
5 I've gone there literally since day one. I moved here in January of
6 1983, and he's been trying to buy some of the property from the
7 church, he said, going back ten years ago. We met this afternoon.

8 And that when the property was sold, he was shocked that he
9 wasn't given the opportunity to at least weigh in and play a role
10 because his business, of course, between parking and expansion. So,
11 he has tried to negotiate with the church and was completely kept in
12 the dark about any opportunity.

13 And as I pointed out in my letter, there are things that
14 would be consistent with a residential neighborhood, whether it - they
15 talk about those bungalow plan book for townhomes that would be
16 consistent. And actually would enhance the neighborhood in the sense
17 of people having a vested neighborly interest.

18 So, it's not like this would be abandoned. And the fact
19 is, the historic church from 1924, as well as the historic duplex,
20 when you say abandoned, I don't know how that applies to those
21 properties. But, of course there's a market for this land.

22 So, like you said, anything can happen. I mean we could
23 have some kind of 9/11 event on this property. I don't think it's
24 gonna happen, and I certainly don't think it's gonna be abandoned,

1 left as a shell without any value. But again, that's an opinion like
2 many opinions are being thrown around.

3 ZONING EXAMINER: Did you hear when Ms. Dorman stated that
4 there won't be 300 units there? It's more like 56 units.

5 MR. LANGONE: No. That was a misnomer. I spoke with Tommy
6 about that. Not 300 units. Tommy had thought somehow there was a
7 misunderstanding about 300 people living there when the number
8 apparently goes back to a conversation I wasn't involved with about
9 300 people, 'cause the Phase II, which we're not discussing, is the
10 office. So, it'd be the combination of -

11 ZONING EXAMINER: Uh-huh.

12 MR. LANGONE: - people, residents of the apartment, retail
13 people, employees, and also office workers. So, that's where the
14 number 300 comes from.

15 But again, I'm just hearing the correction from Tommy
16 Brown, as he had heard, I believe, it was from Chris. No, there,
17 there weren't 300 residents, it was 300 people. But that does apply
18 to parking, traffic and all that type of stuff.

19 ZONING EXAMINER: Okay. Well, thank you very much, Mr.
20 Langone.

21 MR. LANGONE: Thank you, sir. I appreciate it.

22 ZONING EXAMINER: Okay. Anybody else in opposition,
23 speakers in opposition? Yes. Were you sworn in, sir? Okay.

1 MR. SMITH: I'm Jordan Smith, 502 East 4th, I live on the
2 southeast corner across the street. And I, I guess I would say I, I
3 don't really, I don't have any objections to the design and the
4 development. I think everything is being done. I'm in admiration of
5 the process, and the amount of effort that's been going into this, and
6 the scrutiny that is standing (sic).

7 The fundamental - the only point that I wish to bring is
8 that the traffic in that area is probably beyond that which anybody
9 would want to live in a home next to. The, the restrictions that we
10 have make it difficult to insulate our homes from noise, or very
11 expensive to insulate our homes from noise. It's certainly possible,
12 but it becomes very expensive.

13 I built a six-foot masonry wall around the corner to try to
14 mitigate some of that noise. It's primarily coming from school
15 districts in the area, buses that route through the middle of the
16 residential neighborhood up to 17 to 20 twice a day. Those buses
17 don't follow the main arterials, they cut through 4th Street and 3rd
18 Avenue on their way down to the magnet school that's there.

19 To that end, the, the request is that - or the concern I'm
20 bringing is that there could be more concrete ways to redirect traffic
21 or have traffic flow not come through those areas that are zoned
22 residential. That would really mitigate the impact of this
23 development.

1 The development, in and of itself, I think is something
2 that should happen and I welcome that. It's the impact that it's
3 gonna have on my home, and the area that I'm concerned with. And I
4 think we have such ingenuity in this room, and such creative minds in
5 this room that we could find a way to redirect traffic that would both
6 serve the residents, and allow access.

7 But the streetcar combination in that area with the schools
8 has displaced traffic to that corner in cars, vehicles, delivery
9 vehicles, commercial vehicles which want to avoid being trapped behind
10 it, or with the other traffic that's trapped behind it. And so it now
11 re-routes through that corner that we're all discussing (inaudible)

12 ZONING EXAMINER: Okay. Thank you very much. Anybody else
13 want to speak in opposition? Okay.

14 MR. BURR: John Burr, South 5th Avenue, Armory Park. When
15 we discussed this at the Board meeting this past Tuesday, our concerns
16 were different than they are now. We're very thankful that a lot of
17 them seem to have been addressed between the developer and West
18 University Neighborhood Association, specifically design review
19 process, and a few other operations considerations.

20 The big point we noted very early on was that even though
21 it said it was reducing the volume by, I think it was 31.7%, the PAD
22 previously was at a 10% reduction. Currently it's now at 20. I still
23 don't think that's enough. I think it's not enough of a tradeoff to
24 put this size of development, especially the height, on the property,

1 and should be more like 25-28. That's more close to the, the
2 development proposal which is included only for illustrative purposes.

3 My big fear here is because that proposal, which has been
4 sold to the West University Neighborhood for the last year really
5 isn't necessarily going to be what goes onto that lot. I don't think
6 enough standards have been put in place.

7 I don't think - I think a zero setback along 4th Avenue is
8 probably appropriate because of the business district, but I don't
9 think it's necessarily appropriate on 4th Street, 3rd Street, or along
10 University Boulevard because I think it will change the scale and the
11 perception of that particular area that is otherwise HPZ.

12 I, too, have concerns about the Arthur Brown Buildings.
13 We've looked into it a little bit to see if they might be eligible as
14 a stand-alone landmark and it's an open question, but it hasn't been
15 definitively answered.

16 I think something needs to be addressed what happens there,
17 and a statement of intent to keep those buildings, or adaptably reuse
18 them so that it's not encouraged for them to be demolished in the
19 future. They kind of establish a precedent within the neighborhood
20 that most people know for about 65 years or more.

21 I still look at this PAD and think, if there was no
22 development proposal in it, what really could be built? And I still
23 have grave concerns. I also still have concerns about the, the, the
24 increased design review options because being on the Design Review

1 Committee, I see it's kind of a cut and paste mash-up of several
2 different policies within the city.

3 And I don't think, since I only got this at about 5 o'clock
4 yesterday, these revisions, that Staff could necessarily have the time
5 to review and see if those are even workable. So, I urge you to
6 extend this hearing again until some of these other questions are
7 addressed. And I hope you'll consider my thoughts. Thank you.

8 ZONING EXAMINER: Anybody else want to speak in opposition?
9 You? Neutral? Okay. Anybody want to speak - okay. So, I'm asking
10 one last time, anybody else want to speak in opposition? Okay. So,
11 anybody want to speak without a position or with a neutral position?
12 Okay. Mr. Mayers.

13 MR. MAYERS: Richard Mayers, 624 North 3rd Avenue, Tucson,
14 AZ, 85705. So, yeah, I, I enjoy the church and its missions. That's
15 one of the things I really like about it is all the stuff they do with
16 homeless people in my neighborhood. I just wanted to say that, since
17 (inaudible) brought it up.

18 So, transit. WUNA supports transit-oriented development
19 and its goal of creating economically, economically healthy, livable
20 and sustainable communities. There have to be policies that support
21 the, the transit-oriented development concept.

22 We're a long way toward having the transit piece in place
23 at this location, but without policy that places some limits on - or
24 economic penalty costs on car ownership for residents, and on car

1 commuting for employees, there will be local opposition to the reduced
2 parking provisions that we want.

3 Reduced parking provision is desirable because it allows
4 more residential space, more green space, open space, more
5 permeability, less noise and, and greater safety. But this is not a
6 highly-developed urban transit community, using community. In older,
7 denser cities, it may be sufficient to provide the transit facilities
8 and build dense residential communities.

9 Here, the perception is that people will bring cars. And
10 that - and this does tend to happen, along with (inaudible) even in
11 neighborhoods with good transit access. This is not going to be a
12 development primarily for low-income tenants who cannot bring, or
13 can't afford cars. And so far, this is a city that makes it easy to
14 drive.

15 By building this development, we are going to bring more
16 cars and traffic into the area. This is the downside of bringing more
17 people, and it has to be minimalized. Cars don't spend money, people
18 do.

19 How will we attract and encourage, incentivize reward
20 advantage those residents who won't be driving cars for most trips,
21 and especially those who won't be storing cars at this development?

22 Some of the provisions suggested by WUNA to reduce
23 predicted increase in daily car trips are to require adequate bicycle
24 parking facilities, in excess of what the City requires in general.

1 Require that residential leases (sic) - lessors offer car-free leases,
2 i.e., charge for residential parking access. And I understand that
3 this developer does that in their projects anyway.

4 However, it would be nice if it was in the P-A-D,
5 separately from rent and, and charge for residential parking access
6 separately from rent, and include transit passes for all residents in
7 leases purchased by developer at bulk discount to be negotiated with
8 the City of Tucson and require that business tenants offer transit
9 passes or if they lease dedicated parking spaces, a parking cash-out
10 option to their employees.

11 We request that Tucson Department of Transportation and the
12 Planning & Development Services Department Staff assist with
13 developing language to include such policies in the P-A-D for their
14 Trinity site.

15 Okay. Structured parking. I really would like it to be a
16 precluded use, or excluded use. And, and here's why. It's one thing
17 to build a parking structure for, to support the uses on your site.
18 It's quite another to build a structure to park North 4th Avenue. And,
19 and that's our fear because what happens when you park North 4th Avenue
20 is you bring all that noise into a residential neighborhood.

21 And it's already happening, you know, with the
22 entertainment district. And that's, and that's, that's something that
23 needs to be mitigated. And I think one of the big mitigations is to

1 not stick a stand-alone structure parking building on that, on that
2 site.

3 Building volume. I'm gonna say how about 60,000 cubic
4 yards? Preamble. Stating the intention to Mayor and Council to not
5 be setting a precedent with this P-A-D rezoning, and reasoning as, as
6 to why it isn't. That would be nice if that got included.

7 So, WUNA proposed a memoranda of understanding process
8 three or four months ago. We talked to the developer. That died for
9 lack of a second, went nowhere, which is why we're here talking about
10 23 points, one of the reasons. I guess that's it. Thank you for your
11 time.

12 ZONING EXAMINER: Okay. Thank you very much. Next person,
13 Mr. Gans?

14 MR. GANS: Chris Gans, 130 East University. I hope I live
15 through this process. We're all gonna die sometime, Jim, but - I want
16 to actually add into the preamble that Richard started on is - that I
17 spoke to in the last piece. And that would be that the City of Tucson
18 Mayor and Council will consider the Trinity project as a one-time only
19 waiver to the West University Historic Preservation Zone. And that
20 approval of the Trinity project does not constitute a precedent for
21 future removal of any property from an HPZ.

22 Furthermore, we would request that the Zoning Examiner
23 includes the following in his findings to Mayor and Council. That the
24 Boundary Amendment process be suspended in HPZ's unless the HPZ

1 requests their use. That the Boundary Amendment process be replaced
2 with a variance or some other similar process developed with public
3 input. The goal is to insure that properties will not be removed from
4 HPZ's while creating guidelines to facilitate a perfect infill
5 development in historic neighborhoods.

6 Also want to acknowledge the work that Staff and the
7 developer (inaudible) did in the required meeting, and I think it was
8 a really productive meeting in terms of dealing with some of the
9 issues in the PAD and so, and our request, so I compliment everybody
10 on that.

11 Some clarifications. Richard's already talked about the
12 parking structure. Page 38-A, a change in the overall mass reduction
13 from 10% to 69,000 cubic yards to 20%, 62,000 cubic yards, trading
14 lower density for height.

15 In the original documentation, I think it was - or maybe it
16 was in this one. Page 30 states that the project would be 62,200
17 cubic yards by volume. And we understand that that has - that was
18 presented in all 16 public meetings that they had this year with us.

19 And so we'd like to see the overall number lowered to give
20 enough flexibility for design, but also to be in a range of the size
21 presented at public meetings. And I think that would actually
22 hopefully instill some trust between neighbors and developers, not
23 just in this process.

1 On page 42, the historic landmarks status process. My
2 question is, will Trinity pursue the historic landmark status, and
3 what are the impediments to doing so? What would be a timeline if
4 they choose to do that? I know that that can - it can be a process
5 that starts, but we don't really know if they're actually going to, to
6 do that. We'd like to see that happen. I think it's a critical
7 building in the core of our neighborhood, it'd be nice to have it
8 preserved as a City historic landmark.

9 Page 43-A. Design review standards. It states, "Design
10 review shall be conducted by the IID Design Review Committee, DRC, for
11 compliance with the relevant -, " it must have left something out here,
12 but A, it says, "Proposed new development shall be reviewed for HPZ
13 compliance." This is no longer an HPZ, so I'm thinking it should be
14 substituted PAD-H compliance, because that's what the property will be
15 at that point. It will no longer be an HPZ. So, -

16 MALE SPEAKER: What, what's that section reference again?

17 MR. GANS: That section is, is on page 43, and it's dash A.
18 It says, "Number one, design review standards," and so, it's in the
19 revised PAD that was posted, I think, yesterday. (Inaudible) So,
20 hopefully I got the page right but I'll track it down and get it to
21 you.

22 I know that the IID review process is a much more stringent
23 process than the - both WUSAB and Tucson-Pima County Historic

1 Commission process. And I think that that can be a hopeful tool in
2 determining some of the pro- -- some of the elements on this project.

3 Page 59. Number one. It states, "Neighborhood concerns
4 regarding property maintenance, excessive noise, construction
5 activity, unruly behavior and other public nuisances are addressed by
6 the following City codes, Tucson City Code, Chapter 16, Neighborhood
7 Preservation."

8 But what - some of the - and it includes maintenance
9 standards, building structure exterior, unlawful acts, excessive
10 noise, unruly gatherings, and public nuisance. We also know that TPD
11 also - often has priorities other than noise issues, unruly
12 gatherings.

13 And so, how, how can maybe some controls be placed in the
14 CC&R's that can assure quick response by the management team of the
15 project when TPD is not able to respond? That's a question that's
16 really not - it's been (inaudible) around but it's also, it's, it's a
17 reality in our neighborhood, and all neighborhoods that those kinds of
18 (inaudible) are low on the totem pole. And response time for TPD
19 often don't, they don't get to them in time to deal with those issues.
20 So, maybe that can be something done in CC&R's (inaudible)

21 Page 59, Item 4. Traffic mitigation. The property owner
22 will work with T-DOT and WUNA to address traffic issues related to
23 this development including cut-through traffic and congestion. WUNA's
24 requested any required traffic mitigation measures in the immediate

1 area be funded by the developers. This will be to address the
2 additional 480 daily car trips in the traffic study that was submitted
3 with this project.

4 And it's gonna bring - we don't really know what the actual
5 numbers mean, but it will bring more traffic in. So, how does that
6 traffic get mitigated and slowed down so that it becomes less of an
7 issue for the residential neighbors in that area? That's a major
8 concern that many neighbors have expressed.

9 Other issues not addressed in the, in the P-A-D document
10 that was submitted on the 14th was outdoor resident (sic), restaurant
11 noise. Suggestions were made to stop any outdoor music by 10:00 P.M.
12 Night noise activity on 4th Avenue has been a cause of several
13 residents leaving the area.

14 We have a variety of different businesses, and they're not
15 always Series 6 bars, that have impacts on residents, and to a point
16 where they feel like their only option is to leave, you know, and
17 again, TPD can't respond quickly enough (inaudible) This is in the
18 core of the neighborhood. I think it's important to address the
19 possibility of this impacting the residential neighbors in the area.

20 The, the issue came up about what happens during the 4th
21 Avenue Street Fair. Eight days a year, we turn into a traffic free-
22 for-all. I mean it's just whacky, and exiting from the residential
23 (inaudible) onto 4th Avenue will be impossible during the Street Fair,
24 which will then push traffic eastward into residential neighborhoods.

1 So, one suggestion was made to place a gate between the two
2 parking lots to exit traffic to University Boulevard. That was not
3 well received by the development team which I understand why. But
4 it's one, one solution that maybe how can ingress-egress be controlled
5 during that time because anybody that's on 4th Avenue and on the side
6 streets during the Street Fair, it is, it's crazy, and it's very
7 difficult to move around with 480 daily car trips a day, and the only
8 access is off of 4th Street at that point (inaudible) I think it can
9 be resolved.

10 The 3rd Avenue parking lot access. Again, we, we put a
11 proposal to maybe - to consider installing a rolling gate on the 3rd
12 Avenue parking access off the parking lot that would have access for
13 the church, for TPD, for fire department, with Time Market, but maybe
14 be closed at nighttime, and it'd be a solid wall just to kind of deal
15 with some of the traffic that goes in and out of 3rd Avenue maybe after
16 10:00 P.M. at night or something when there's less need for that to be
17 open.

18 Richard addressed alternative transportation options, I
19 think that still need to be explored and, and look how it can be
20 included in the P-A-D, and I think if these - if this is moving
21 forward, you know, we still want it to work, to resolve some of these
22 issues. I don't know what your findings would be, but these are
23 issues that still need to be addressed and somehow in the P-A-D, CCRC,
24 CC&R, whatever the process is to do that. Thank you.

1 ZONING EXAMINER: Okay. Thank you very much. Anybody else
2 wants to make a neutral statement? Okay. Ms. Dorman.

3 MS. DORMAN: So, there were a lot of issues brought up and
4 I'm just gonna address them in kind of a random order, if that's okay.

5 ZONING EXAMINER: Okay.

6 MS. DORMAN: The first thing I want to say is that our
7 mechanism for communicating with the neighborhood is the neighborhood
8 association. That, that's how we're supposed to communicate with
9 people. And if the neighbors are not getting the communications from
10 the neighborhood association, there's not much we can do about that.

11 We had the meeting with the West University Neighborhood
12 Association for five years. Some periods of time, not that often when
13 we didn't have something to talk about. And then starting in
14 February, very often. So, I just would like to, to say that.

15 The other thing is I totally understand that neighborhoods
16 are neighbors. Every neighborhood that we've done a project in we've
17 really tried to understand the fabric of the neighborhood, work with
18 the neighborhood.

19 And one thing that has happened during this process that's
20 been frustrating for us is that there are a lot of neighbors in the
21 West University Neighborhood Association who came to the meetings all
22 along, and were really happy with the project that we're doing. We
23 got a lot of really positive feedback.

1 But these are neighbors who come to a meeting, give their
2 feedback and expect that their feedback is gonna be taken to heart.
3 They don't expect that they have to come back, and come back, and come
4 back. And that only in the eighth meeting is the feedback really
5 valued. So, we, we, we got a lot of really wonderful feedback from a
6 lot of neighbors.

7 But I don't - they - I don't think any of them imagined
8 that they would have to come to meeting after meeting after meeting
9 just to have their positive feelings noted. So, I just wanted to
10 mention that.

11 The issues that are currently going on with the church and
12 the parking lot and the lighting. That - we're, we're not involved
13 with that. I don't know how to address those issues. The church has
14 been working with the neighbors, and so, that is really their issue to
15 be dealing with.

16 What we are focused on is acknowledging that there are
17 currently existing problems. So, what can our development do to help
18 mitigate those problems so that they don't exist in the future? So, I
19 don't want to make any comments about the, the problems that are
20 currently going on, except that our goal is to develop - have a
21 development that is going to mitigate or eliminate those problems.

22 I also want to restate our commitment to working with both
23 the neighborhood and T-DOT regarding traffic issues. We have spoken
24 to many of the neighbors, and because of the school, because of the

1 way the streets have been - some are designated bike streets. Now
2 there's a lot of tra- -- there are a lot of traffic issues in the
3 neighborhood.

4 And I don't know that there's really been a comprehensive
5 look at how to deal with those. There might be some simple solutions
6 like having the school traffic exit to the main arteries and not
7 within the neighborhood.

8 Traffic circles, speed bumps. I'm not an expert. We, you
9 know, we used a traffic engineer in our study. But we are 100% open
10 to working with the neighborhood and T-DOT to see how we can
11 collectively mitigate a lot of those issues.

12 Part - the reas- -- part of the reason we're doing this
13 project, part of the reason the church really understood why this site
14 had value was because it's a transit-oriented development. And as
15 such, we're really focused on making sure that our people use the
16 streetcar.

17 We, the parking spots do cost extra. So, it's not like you
18 get an apartment, and it comes with a parking spot. If you want to
19 burden the neighborhood and the site with a car, you have to pay for
20 that. We have extensive bike storage within the residential building,
21 even a bike repair area, as well as bike parking outside of the
22 building.

23 We also started talking with the group that's doing the
24 City - exploring the City Bike Share program, and expressed our

1 interest in having a bike share location on or near the site. We're
2 also planning on exploring Zip cars. So, that those are the, the car
3 rental where you can like rent it by, by the hour instead of the, the
4 day. And I also do just have to remind that with the current zoning,
5 we could do a project that would have many more cars.

6 Regarding the, the reduction in the volume, we reduced that
7 from - we increased that from 10% to 20%. You know, we're - I think
8 that part of maybe a communications issue or trust issue that we've
9 had, in my business career, I've always - and personally - I always
10 believe in under-promising and over-delivering. So, I don't ever want
11 to say that I'm gonna do something if I'm not 100% sure that I, that I
12 can do it. And that's the way we operate as a team.

13 So, we've always really erred on the side of being
14 conservative about what we absolutely know that we can do. And the
15 design that we have been putting forth in the meetings, it's about
16 slightly from the beginning of the year where we've stepped certain
17 things back. But that is what we want to build. I mean that is the
18 project that we want to build.

19 And it is - we have every intention of building that. And
20 that is what we are planning on building. We're asking for one more
21 story. You know, we're not an out-of-town developer asking for a 12-
22 story building. And so, at a certain point, we just feel like we're -
23 we've created restriction after restriction in this PAD, and we're
24 happy to do so because it's in line with everything that we want to

1 do. But at a certain point, we need a little bit of flexibility.

2 There's always unknowns.

3 There's always pieces of the code that maybe you don't know
4 100%. Until Shippo sent us the letter regarding the height of the
5 building, it was not clear what our height was gonna be. So, we just
6 wanted to leave ourselves a little bit of flexibility, but still make
7 sure that there was definitely the stick of volume reduction that
8 comes with the carrot (sic) of the height.

9 And the - regarding the Arthur Brown Buildings, that whole
10 quadrant of the block is going to remain church property. So, I can't
11 really comment on what - how, you know, what they're going to do with
12 it in the same way that when the question was brought up regarding
13 historic landmark status.

14 The ch- -- we went to the church. We said, "What do you
15 think?" And they knew that they wouldn't be able to get that done in
16 time for the PAD, but we're open to it in the future. So, I just have
17 to leave that as that.

18 And regarding the Street Fair and traffic. So, we have a
19 residential building and we have an office building. The office
20 building would be between Time Market and the church. Just for
21 clarity, I mean the streetcar (sic) goes - the, the Street Fair goes
22 Friday, Saturday, Sunday.

23 So, yes, on a Friday, there would be certainly traffic
24 impact from the office. But on the weekends, there'd be no people in

1 the office. So, that, that would not - for the, for the eight days of
2 the Street Fair, only a few of them would have really issues of full
3 traffic from our site. Do you have any questions for me?

4 ZONING EXAMINER: I have one. There was a issue brought up
5 about a parking structure.

6 MS. DORMAN: Yes.

7 ZONING EXAMINER: Could you talk about that a little bit?

8 MS. DORMAN: Sure. I mean on the office site, we're not
9 planning on doing a parking structure. And so, we were perfectly
10 happy putting that as a special exception so that if for some reason
11 in the future, that became something that was, you know, that somebody
12 desired, that you had to go through a big process to do it. The idea
13 was to make it difficult, not easy. And so, we were, we were okay
14 with that.

15 What's a little unclear to me regarding structured parking
16 is if it counts for above-ground parking as well as below ground
17 parking. And so, we wanted it to be as difficult, you know, to have
18 restrictions on it. But again, we just didn't feel like we needed to
19 keep adding - we've done so, we've done so much in this PAD for, as a
20 return on what we're asking. So, we felt that special exception was
21 really sufficient for structured parking.

22 ZONING EXAMINER: Okay. So, I think, I think you've
23 covered all the issues that are as close as I can see, the issues that

1 were brought up. One of the speakers suggested a continuance. What's
2 your feelings on that?

3 MS. DORMAN: We have worked for years on this project, and
4 this rezoning has - it's taken an extraordinary amount of time. We've
5 approached this in such a thoughtful and thorough way. We've met with
6 the neighborhood more than anyone would have expected. We've actually
7 been criticized by people for setting the bar too high by meeting with
8 the neighborhood so often.

9 We specifically worked to this time table that was
10 established with the Planning & Development Services Department
11 earlier in the year because we have certain time frames that we would
12 like to meet. This has been going on for a long time, and has been
13 very, very thorough. It's been vetted in a million different ways.
14 And so, our feeling is that it's enough.

15 I think, in addition, doing business in the City of Tucson,
16 we have to, there has to be an end point. The, the, the end game
17 can't continually be moving. And so, we'd asked for feedback - I mean
18 we submitted our first, the first draft of this PAD in July.

19 So, I think that that is more than sufficient time for
20 people to have reviewed and commented. That's a lot of time. And we
21 need, in order for a city to be successful, and for people to be able
22 to do business successfully in a city, there has to be a minimal
23 degree of certainty of process. We feel that we have met that. We've

1 gone above and beyond it. And so we would like for there to be no
2 continuance, please.

3 ZONING EXAMINER: Okay. Understood. Okay. Is that it?

4 MS. DORMAN: Yes. Thank you very much. And I do want to
5 thank the whole Planning & Development Services Department for taking
6 the time to guide us through this very complex and lengthy process.
7 And they've been informative and helpful at every turn. So, I just
8 wanted to express that.

9 ZONING EXAMINER: Okay. Thank you.

10 MS. DORMAN: Thank you.

11 ZONING EXAMINER: So, John, a couple of questions for you.
12 If this goes forward, and they use the PAD document, what I'm seeing
13 is they have to go through a historic review, and there's a couple of
14 steps in that. And there is a design review and there seems to be a
15 couple of steps in that, too, -

16 MR. BEALL: Correct.

17 ZONING EXAMINER: (Inaudible) They have to go through a
18 development and engineering review that would address to the degree we
19 can, traffic and parking issues, is that correct?

20 MR. BEALL: That's correct.

21 ZONING EXAMINER: So, so, even if this is - this goes
22 forward, they still have multiple reviews to go through and several of
23 these reviews involve neighborhood participants in coming up with a
24 decision-making process, is that correct?

1 MR. BEALL: Corr- -- that is correct.

2 ZONING EXAMINER: Okay. So, what I'm gonna do now is I'm
3 going to close the public hearing, taking the testimony that has been
4 provided, and the documentation that's been provided. You know,
5 Chris, you raised your hand, and I'll let you speak because you were a
6 participant in the continuance discussion.

7 So, if you'd like to make a very brief statement, I'll,
8 I'll accept that, and I'll, I'll hold off on closing it until he makes
9 the statement. And, and if there's something that you want to respond
10 to, Ms. Dorman, you can respond to it.

11 MR. GANS: I just wanted to say that in terms of heights or
12 design standards and the L-U-C, the 5.8.9 that specifies how you get
13 the heights in projects. Too, I know they've been working with, the
14 development team's working with Trinity for four or five years. This
15 project, as Randi stated, it's been since February of this year
16 working on this project, and this project has not been years. So, I
17 just wanted to correct that.

18 The other part is that I know it's, it can be frustrating
19 for developers to come back and hear people say, "I like this." But
20 in neighborhoods, we often get the glitter, and then we get the
21 reality afterwards. And I think people see something that says, "Oh,
22 that's nice. It's nice and shiny, it's really a nice idea."

23 And then they start thinking about what the actual outcomes
24 may be and those, and I think it takes people who are not, you know,

1 aware of this process, know how to work in the process. It takes a
2 long time to understand. I had a Board Member two weeks ago state to
3 me, "Oh, it's gonna remain in the, in the HPZ."

4 I said, "No, it takes out. They're using some of the
5 similar language in the HPZ zone, but no longer remains in the HPZ."
6 So, I, I think there's that element. Some people don't have e-mail.
7 We've had consistent e-mail blast-out about meetings, but if they
8 don't have e-mail - we've done some door-to-door leaflets for
9 meetings, but that's how we get our information out is via e-mail.
10 So, that's how, you know, people get notified, if they're on e-mail
11 list or if they're on our Yahoo group. And so, that's really all I
12 have to say.

13 ZONING EXAMINER: Okay. Thank you, Mr. Gans. Ms. Dorman,
14 do you have any - do you want to say anything? You don't have to, but
15 if you want to.

16 MS. DORMAN: Just, just for clarification only because it
17 was brought up again. Yes, this particular plan, we started meeting
18 with WUNA early this year. But we did start meeting with WUNA five
19 years ago, and at every point, we listened, we took notes about what
20 was important to them, and we incorporated those things into our
21 plans.

22 So, the plan that was presented initially for this
23 particular plan was completely influenced by feedback that we had had
24 from the four years prior. And so, I just want that to be crystal

1 clear. Our initial plan, I'm not gonna show it to you, but it was
2 very different. And we understood the concerns about it.

3 Our next plan was totally different from that first one.
4 And the third one as well. So, at every point, we listened, we
5 engaged and used that feedback to create a better plan the next time.
6 And we did that sincerely. So, I, I would like that noted.

7 And I would also be happy to volunteer on a commission to
8 create a better process with the neighborhoods, because like I said,
9 our mechanism for communicating is through the neighborhood
10 association. And if there's a better way to do that, we'd be happy to
11 help with that.

12 ZONING EXAMINER: Okay. Thank you.

13 MS. DORMAN: Thank you.

14 ZONING EXAMINER: So, at this point, I am now going to -
15 no, no, no. No more. Taking the testimony provided, and the
16 documentation provided, this hearing is hereby closed. I'll come out
17 with a preliminary report within five days. So, that is it for this
18 evening. There's no more cases. So, thank you all for coming, and
19 this hearing is closed.

20 (C9-16-13 was closed.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape recorded conversation in the case reference on page 1 above.

Transcription Completed: 12/28/16

/s/ Kathleen R. Krassow
KATHLEEN R. KRASSOW - Owner
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